IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6596 of 2007()

[CRIME NO.316/2007 OF CHALISSERY POLICE STATION]

: PETITIONER/ACCUSED:

GIREESH, AGED 33 YEARS,
S/O. VELAYUDHAN, ANGADIPARAMBIL HOUSE,
PERINGODE P.O., KOOTTANAD VIA., PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING
SUB INSPECTOR OF POLICE, CHALISSERY POLICE STATION

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6596 of 2007

Dated this the 31st day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations under Section 498A I.P.C. The marriage took place on 29/12/1996. The spouses are blessed with two children. There is strain in the matrimony. The crime has been registered on the basis of the private complaint filed by the de facto complainant before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that there is strain in the matrimonial relationship and that is prompting the de facto complainant to make reckless, exaggerated and fanciful allegations against the petitioner. The petitioner may be granted anticipatory bail to save him of the trauma of undeserved arrest and detention, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case that the petitioner can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioner is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no

external injuries also.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/11/2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 08/11/2007 and 09/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 07/11/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/11/2007.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007